

Casey, Iowa, City Council
Remediation Plan
14FC:0073

Barry Chalfant, complainant, filed a complaint against the Casey, Iowa, City Council (Council) on September 9, 2014. In that complaint, Mr. Chalfant alleged that the Council violated Iowa Code chapter 21. According to the complaint, during the September 8, 2014, city council meeting, the Council entered into a closed session in violation of Iowa Code chapter 21.5, by failing to identify a proper reason for the closed session and discussing numerous issues during the closed session.

Upon review of the evidence you provided, six violations are founded:

1. The agenda fails to properly "apprise the public" of the business of the meeting, a violation of Iowa Code subsection 21.4(1). The agenda has appropriate descriptive items, such as "Data Technologies Contract and Representative", followed by insufficient items such as "Old Business" and "New Business".
2. From the video of the open portions of the meeting, it was apparent that the Council was discussing and approving financial disbursements. There is no item on the agenda that corresponds to these actions, a violation of Iowa Code section 21.4.
3. At another point in the open meeting, the Council calls upon "John" to report on city activities. This is not listed on the agenda, again a violation of Iowa Code section 21.4.
4. The presiding officer calls for and leads a discussion on a potential building purchase to replace the City Hall that burned recently. This discussion item is not on the agenda, another violation of Iowa Code section 21.4.
5. The presiding officer of the meeting requests an executive session, which appears to mean a closed session. No reasons are provided for the closed session, even when asked. A voice vote was conducted, without publicly announcing the vote of each council member. This is a violation of Iowa Code section 21.5.
6. The agenda item referencing a possible closed session states "per Iowa Code section 21.5" as the reason for the closed session. There is no reference to a specific exemption, a violation of Iowa Code sections 21.4 and 21.5.

The Iowa Supreme Court has said that a tentative agenda can be subject to change. A government body can discuss and take action on last-minute emergency items without violating the law. Emergencies are defined as items that have to be acted upon immediately and cannot wait until a meeting for which legal notice is given. However, the Court in *KCOB/KLVN* also said that "if action can be reasonably deferred to a later meeting, this should be done" (473 N.W.2d at 174).

The Council acknowledges that the agenda is inadequate and that the Council did not conduct the vote to go into closed session correctly. In addition to the fire that destroyed the city hall and the records of the city, the city clerk had not returned to work and subsequently resigned. The Council utilized clerks from other cities to assist with the Council meetings. The Council had been struggling with numerous other issues in recent months.

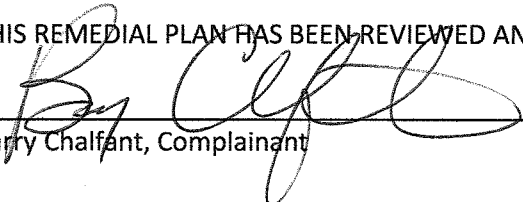
Upon the IPIB acceptance of Mr. Chalfant's complaint on September 19, 2014, IPIB staff engaged in discussion of an informal resolution. Both Mr. Chalfant and the Council agreed to negotiate an informal resolution of the complaint with the adoption of a remediation plan.

The remediation plan is as follows:

1. All Council members and the Mayor of Casey will review the website training on Open Meetings and Public Records found at the IPIB website: www.ipib.iowa.gov, under the Training menu.
2. Council members, Mayor and staff will attend open meetings training offered by the IPIB, the League of Cities, or other IPIB approved trainer(s).
3. The Board acknowledges that the challenged agenda from the September 8, 2014, city council meeting did not meet the requirements of Iowa Code section 21.4 and that the closed session did not meet the requirements of section 21.5.
4. The IPIB will provide Council members with a copy of the Iowa Open Meetings, Open Records Handbook prepared by the Iowa Freedom of Information Council for quick reference during meetings.
5. The Council will strive to meet the requirements of Iowa Code chapter 21. Questions concerning sufficiency will be directed to the IPIB or the city's legal counsel.

The above provisions shall be completed no later than January 31, 2015, and a report of compliance shall be filed by the Board with the IPIB no later than February 6, 2015. Upon successful completion of the remediation plan, the IPIB shall dismiss the complaint as resolved with no additional sanctions.

THIS REMEDIAL PLAN HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:


Barry Chalfant, Complainant

10-24-2014
Date

Casey, Iowa, City Council Members

Marilyn Harden


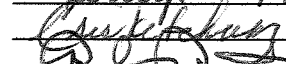


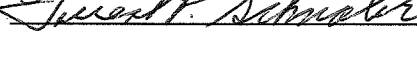

Cris Ketchum

Rick Richter

Rob Sneller

Bruce Vorn

Forrest Schnobrich, Mayor

Date
10/10/14
10/16/14
10/23/14
10/16/14
10/16/14
10/16/14

IPIB

Robert Andeweg, Chair
